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EDITION OF 1866.

RULES AND DIRECTIONS
FOR
PROCEEDINGS
IN
THE PATENT OFFICE.

The yearly edition should be indicated in all references to these rules.

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RULES AND DIRECTIONS

FOR

PROCEEDINGS IN THE PATENT OFFICE.

The following information and regulations are designed to be in strict accordance with the acts of Congress applicable to the subject of patents; which acts are printed in pamphlet form, and will be forwarded by the office to any one who may desire them.

WHO IS ENTITLED TO A PATENT.

1. Any person, whether citizen or alien, may obtain a patent for any invention or improvement made by him, and not before known. For greater particularity, see act of 1836, sections 6 and 7; act of 1842, section 3; and act of 1861, section 10.

2. In case of the death of the inventor, the patent may be applied for by, and will issue to, his legal representatives.—(Act of 1836, section 10.)

3. Joint inventors are entitled to a joint patent; but neither can claim one separately.

WHAT WILL PREVENT THE GRANTING OF A PATENT.

4. Although an applicant may have actually made an invention, a patent therefor will not be granted him if the whole or any part of what he claims as new has been patented, or described in any printed publication in this or any foreign country, or been before invented or discovered in this country, (act of 1836, section 7;) nor if he has once abandoned his invention to the public, or for more than two years consented and allowed it to be in public use or on sale.—(Act of 1836, section 6; act of 1839, section 7.)

5. The mere fact of prior invention or discovery abroad will not prevent the issue of the patent, unless the invention has been there patented, or described in some printed publication.—(Act of 1836, section 7; also act of 1836, section 15.)

6. Merely conceiving the idea of an improvement or machine is not such an "invention" or "discovery" as is above contemplated. The invention must have been reduced to a practical form, either by the construction of the machine itself or of a model thereof, or at least by making a full drawing of it, or in some other manner equally descriptive of its exact character, so that a mechanic would be enabled, from the description given, to construct a model thereof, before it will prevent a subsequent inventor from obtaining a patent — (See *Hildreth vs. Heath*, and *Perry vs. Cornell*, decided by Judge Cranch on an appeal from the Commissioner.)

MODE OF PROCEEDING TO OBTAIN A PATENT.

APPLICATION.

7. All applications must be completed for examination within two years after the filing of the petition; and in default, all such will be regarded as abandoned, unless it be satisfactorily proved to the office that such delay was unavoidable.

8. The application must be made by the actual inventor, if alive, (act of 1836, section 6,) even if the patent is to issue to an assignee, (act of 1837, section 6;) but where the inventor is dead, the application and oath may be made by the executor or administrator.—(Act of 1836, section 10.)

9. The application must be in writing, in the English language, signed by

the applicant, and addressed to the Commissioner of Patents. The following is a suitable form, to be varied according to circumstances:

Petition.

TO THE COMMISSIONER OF PATENTS:

Your petitioner prays that a patent may be granted to him for the invention set forth in the annexed specification.

JOHN FITCH.

Specification.

10. The applicant must set forth in his specification the precise invention for which he claims a patent.

11. In all applications for mere improvements the specification must distinguish between what is admitted to be old and what is described and claimed to be the improvement, so that the office and the public may understand exactly for what the patent is granted.

12. Two or more distinct and separate inventions may not be claimed in one application; but where several inventions have a necessary and dependent connexion with each other, so that all co-operate in attaining the end which is sought, they may be so claimed.

13. If more than one invention is claimed in a single application, and they are found to be such that a single patent may not be issued to cover the whole, the office requires the inventor to divide the application and confine the claim to whichever invention he may elect.

14. The specification must be signed by the inventor, (or by his executor or administrator, if the inventor be dead.) It should describe the sections of the drawings, (where there are drawings,) and refer by letters and figures to the different parts. The substantial requisites of the specification are set forth in the act of Congress of 1836, section 6. The following may be taken as a specimen of the proper form:

TO ALL WHOM IT MAY CONCERN:

Be it known that I, John Fitch, of Philadelphia, in the county of Philadelphia, in the State of Pennsylvania, have invented a new and improved mode of preventing steam-boilers from bursting; and I do hereby declare that the following is a full and exact description thereof, reference being had to the accompanying drawings, and to the letters of reference marked thereon.

The nature of my invention consists in providing the upper part of a steam-boiler with an aperture in addition to that for the safety-valve; which aperture is to be closed by a plug or disk of alloy, which will fuse at any given degree of heat, and permit the steam to escape, should the safety-valve fail to perform its functions.

To enable others skilled in the art to make and use my invention, I will proceed to describe its construction and operation. I construct my steam-boiler in any of the known forms, and apply thereto gauge-cocks, a safety-valve, and the other appendages of such boilers; but, in order to obviate the danger arising from the adhesion of the safety-valve, and from other causes, I make a second opening in the top of the boiler, similar to that made for the safety-valve, as shown at A, in the accompanying drawing; and in this opening I insert a plug or disk of fusible alloy, securing it in its place by a metal ring and screws, or otherwise. In general, I compose this fusible metal of a mixture of lead, tin, and bismuth, in such proportions as will insure its melting at a given temperature, which must be that to which it is intended to limit the steam; it will, of course, vary with the pressure the boiler is intended to sustain.

I surround the opening containing the fusible alloy by a tube B, intended to conduct off any steam which may be discharged therefrom. When the temperature of the steam in such a boiler rises to its assigned limit, the fusible alloy

will melt and allow the steam to escape freely, thereby securing it from all danger of explosion.

What I claim as my invention, and desire to secure by letters patent, is the application to steam-boilers of a fusible alloy which will melt at a given temperature and allow the steam to escape, as herein described, using for that purpose the aforesaid metallic compound, or any other substantially the same and which will produce the intended effect.

JOHN FITCH.

Witnesses :

ROBERT FULTON,
OLIVER EVANS.

When the application is for a machine, the specification should commence thus :

Be it known that I, ———, of ———, in the county of ———, and State of ———, have invented a new and useful machine for [stating the use and title of the machine; and, if the application is for an improvement, it should read thus: a new and useful improvement on a, or on the, machine, &c.] and I do hereby declare that the following is a full, clear, and exact description of the construction and operation of the same, reference being had to the annexed drawings, making a part of this specification, in which figure 1 is a perspective view; figure 2 a longitudinal elevation; figure 3 a transverse section, &c.; (thus describing all the sections of the drawings, and then referring to the parts by letters. Then follows the description of the construction and operation of the machine; and lastly the claim, which should express the nature and character of the invention, and identify the parts claimed separately or in combination. If the specification is for an improvement, the original invention should be disclaimed, and the claim confined to the improvement.)

15. The specification must be signed by the inventor and attested by two witnesses.—(Act of 1836, section 6.)

16. The applicant must make oath or affirmation, (as required by the act of 1836, section 6,) which must have a five-cent revenue stamp attached, and be substantially as follows :

Oath.

CITY AND COUNTY OF PHILADELPHIA, }
State of Pennsylvania, } ss :

On this ——— day of ———, 186—, before me, the subscriber, a ———, personally appeared the within named John Fitch, and made solemn oath [or affirmation] that he verily believes himself to be the original and first inventor of the mode herein described for preventing steam-boilers from bursting, and that he does not know or believe the same was ever before known or used; and that he is a citizen of the United States, [or citizen of other country, as the case may be.]

(Signed)

A. B.,
Justice of the Peace.

17. Citizens of the British provinces should state specifically the provinces of which they are citizens, and not merely that they are subjects of the Crown of Great Britain.

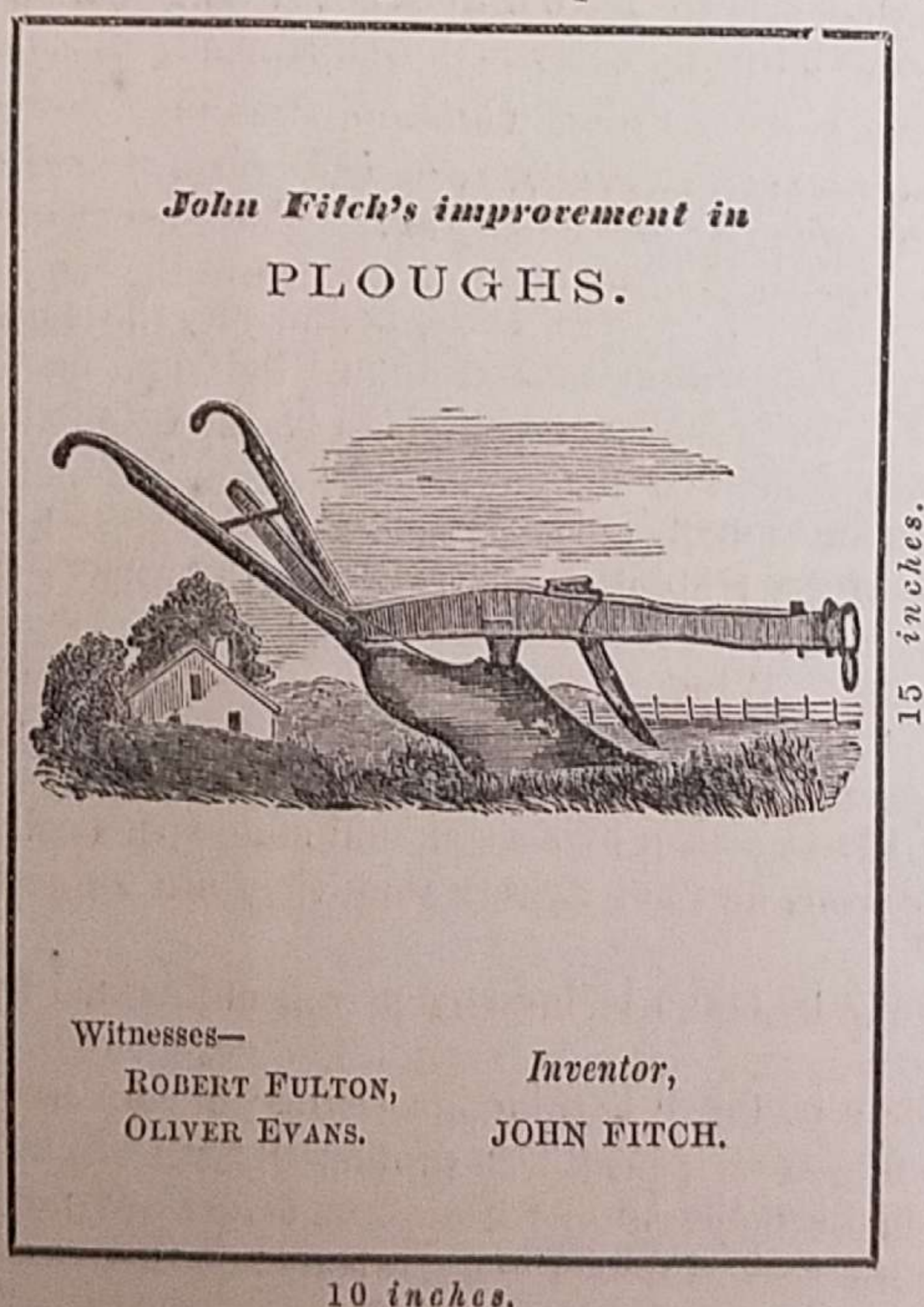
18. The oath may be taken before any person authorized by law to administer oaths.

19. The oath may be taken in a foreign country before any minister plenipotentiary, chargé d'affaires, consul, or commercial agent, holding commission under the government of the United States, or before any notary public of the country in which the oath is taken, being attested in all cases by the proper

official seal of such notary.—(See act of 1842, section 4.) Applicants for patents are requested that, upon paying the final fee, they will notify the office how many copies of the specifications they desire to have furnished them. These copies will hereafter be *printed* and furnished at about half the rate heretofore charged for written copies. This information from applicants is necessary to enable the office to determine how many copies to have printed in each case.

Drawings.

20. The applicant for a patent is required by law (see act of 1836, section 6, and act of 1837, section 6) to furnish duplicate drawings, where the nature or the case admits of drawings, the office reference copy of which must be signed by the applicant, and attested by two witnesses. These should be sent with the specification. The drawings must be neatly and artistically executed in fast colors, on one or more sheets separate from the specification, the size of the sheets to be fifteen inches from top to bottom, and ten across, this being the size of the patent. One of these drawings, to be kept in the office for reference, must be on thick drawing paper, sufficiently stiff to support itself upright in the portfolios. Tracings upon cloth, pasted upon thick paper, will not be admitted. The other drawing, which is to be attached to the patent, must have a margin of one inch at least for that purpose on the right-hand side, and should be on tracing muslin, which will bear folding and transportation, and not on paper. The drawings should generally be in perspective, with such detached sectional and plane views as to clearly show what is the invention, its construction and operation. All thick drawings should be colored and shaded, and when different materials are united in a machine, as steel and iron, or wood and metal, the distinction should be indicated by different colors on the drawings. Each part must be distinguished by the same number or letter, whenever that part is delineated in the drawings. The name of the invention should be placed at the top of the drawing, in plain letters, so that they can be easily read at a glance. The convenience of the office requiring that there shall be uniformity in the shape of the drawings, the following form is printed herewith:



21. Applicants are advised to employ competent artists to make the drawings, which will be returned if not executed in conformity with these rules. Thick drawings should never be folded for transmission.

Model.

22. A model is required in every case where the nature of the invention admits of such illustration.

23. The model must be neatly and substantially made of durable material, and not more than one foot in length or in height unless a larger model is necessary to exhibit the invention. If made of pine or other soft wood, it should be painted, stained, or varnished. Models filed as exhibits, in interference and other cases, may be returned to the applicant, at the discretion of the Commissioner.

24. A working model is always desirable, in order to enable the office fully and readily to understand the precise operation of the machine. The name of the inventor, and also of the assignee, (if assigned,) and also the title of the invention, must be affixed upon it in a permanent manner.

25. When the invention is a composition of matter, a specimen of each of the ingredients and of the composition must accompany the application, (see act of 1836, section 6,) and the name of the inventor and of the assignee (if there be one) must be permanently affixed thereto.

26. When a work of design can be sufficiently represented by a drawing, a model will not be required.

27. Photographs are admitted for the illustration of works of design, and must be pasted upon thick drawing paper and tracing muslin, of the size prescribed for drawings; but in every case where this mode of illustration is employed by an applicant, he will be required to deposit in this office the glass or other "negative" from which the photograph is printed, so that exact official copies may be made therefrom when desirable.

Completion of the application.

28. No application can be examined, nor can the case be placed upon the files for examination, until the fee is paid, the model or specimen deposited, and the specification, with the petition, oath, and drawings, (when required,) filed. *It is desirable that everything necessary to make the application complete should be deposited in the office at the same time.* The specifications and drawings may, however, be filed in the secret archives before the model is deposited, the applicant being entitled to notice of interfering applications, when request is made to this effect.

OF THE EXAMINATION.

29. All cases in the Patent Office are arranged in classes, which are taken up for examination in regular rotation; those in the same class being examined and disposed of, as far as practicable, in the order in which the respective applications are completed. When, however, the invention is deemed of peculiar importance to some branch of the public service, and when, for that reason, the head of some department of the government specially requests immediate action, the case will be taken up out of its order. These, with applications for reissue, are the only exceptions to the rule above stated in relation to the order of examination.

30. When an application has been once rejected, either in whole or in part, and the applicant desires a second examination, either with or without amendment, he will be entitled to it with as little delay as may be practicable, so that he may be in condition to appeal, if desirable, without loss of time.

31. The personal attendance of the applicant at the Patent Office is unnecessary. The business can be done by correspondence or by attorney.

32. When an application has been finally decided, the office will retain the

original papers, furnishing the applicant copies—if he desires them—at the usual expense.

33. When a patent is granted it will be transmitted to the patentee, or to his agent having a full power of attorney authorizing him to receive it.

PROTESTS

34. The office cannot stay the regular proceedings on applications for letters patent in consequence of protests founded upon mere *ex parte* statements; but where affidavits of disinterested persons are received they will be considered and allowed such weight as they may seem entitled to.

OF WITHDRAWALS

35. If an application filed prior to the 2d of March, 1861, be rejected, and the applicant shall relinquish his claim, in pursuance of the 7th section of the act of 1836, and the 12th section of the act of 1837, he must notify the Commissioner of the fact of such withdrawal, sending at the same time his receipt for two-thirds of the fee paid by him, which will be thereupon returned. The model and papers will be retained by the office. The applicant may, however, have the duplicate drawing if he desires it. But no money paid on any application filed subsequent to the second day of March, 1861, nor for a design, nor for a reissue, can be withdrawn.

RETAINING PATENTS IN THE SECRET ARCHIVES.

36. An application upon which a patent has been allowed may, at the request of the applicant or of his assignee, made before the patent has been recorded, be retained in the secret archives of the office for a period not exceeding six months from the date of the order to issue, without reference to the time of payment of the final fee.

OF APPEALS.

37. After an application for a patent has been twice rejected by the examiner having it in charge, it may, at the option of the applicant, be brought before the board of examiners-in-chief.

38. For this purpose a petition in writing must be filed, signed by the party or his authorized agent or attorney, setting forth in general terms that the said applicant believes the rejection of his application to have been improper.

Form of appeal to the examiners-in-chief.

TO THE COMMISSIONER OF PATENTS:

SIR: In conformity with section third of the act of Congress dated 2d March, 1861, I hereby make application for an appeal from the decision of the principal examiner in the matter of my application for a patent for an improvement in

rejected a second time on ——— day of ———, and request that the same may be heard by the examiners-in-chief.

Respectfully,

A. B.

39. The examiners-in-chief will consider the case as it was when last passed upon by the primary examiner, merely revising his decisions so far as they were adverse to the applicant.

40. All cases which have been acted on by the board of examiners-in-chief may be brought before the Commissioner in person, upon a written request to that effect, and upon the payment of the fee of twenty dollars required by

law.—(Second section, act of March 2, 1861) A decision deliberately made and approved by one Commissioner will not be disturbed by his successor. The only remaining remedy will be by appeal in those cases allowed by law to the supreme court of the District of Columbia.

14. The mode of appeal from the decision of the office to the supreme court of the District of Columbia is by giving written notice thereof to the Commissioner, filing in the Patent Office, within such time as the Commissioner shall appoint, reasons of appeal, and paying to him the sum of twenty-five dollars.—(Act of 1839, section 11.) Printed forms of notice of appeal, of the reasons of appeal, of the petition, and copies of the rules of the supreme court of the District of Columbia, will be forwarded on request. The following rules have been adopted by the supreme court in appeals from the decisions of the Commissioner of Patents:

RULES.

1.

All appeals taken from the decisions of the Commissioner of Patents to the supreme court of the District of Columbia shall be entered in a docket to be kept for that purpose by the clerk of the court, and every rule, motion, or order made in every pending appeal, and the final decision made in each case, shall be recorded in the minutes of the court, to be kept by the clerk for the purpose.

2.

At each regular term the court will designate one or more justices thereof to hear and determine all pending appeals from the decisions of the Commissioner of Patents.

3.

One or more of the justices will attend at the court-house in Washington, at 10 o'clock a. m., on the first Wednesday of every month, to hear appeals from the Commissioner of Patents; and all pending appeals shall then and there be heard, unless postponed for cause, or for the opinion of the court in banc; and in postponed cases the Commissioner of Patents shall, by mail or otherwise, give the parties in interest notice of the said postponement, and of any new day which may be assigned for the hearing.

4.

The party desiring to appeal from the decision of the Commissioner of Patents must give written notice thereof to the Commissioner, accompanied with his petition to the supreme court of the District of Columbia to grant him a hearing, and file the reasons of appeal, and pay the fee of twenty-five dollars, in conformity with the eleventh section of the act of 1839, chapter 88.

5.

The appellant, previous to any action on, and preparatory to the hearing of any appeal, must comply with the requisites of the law in the Patent Office, and his petition must state concisely—

1. The application for the patent;
2. Its nature, and, if a case of interference,
3. The residence of the party interested;
4. The Commissioner's refusal;

5. The prayer of appeal;
6. Notice thereof to the Commissioner;
7. The filing of the reasons of appeal in the Patent Office; and,
8. The payment into the office of the sum required by law.

To every petition must be annexed a certificate of the proper officer that the requisitions of the law have been complied with, or an affidavit of the truth of the facts stated in the petition.

No notice to the Commissioner will be issued until such certificate or affidavit be made or produced.

The appeal will be tried upon the evidence which was in the case and produced before the Commissioner.

6.

The appellant must file his argument, in writing, within five days after the Commissioner shall send in his report, and the papers, models, and drawings or specimens, or within five days after the day of hearing, which argument must state the facts and law relied on, together with the authorities in support of the same.

7.

In contested cases the appellee shall file his argument, in writing, within ten days after the appellant shall have filed his argument. At the hearing, oral arguments may be made, not to occupy more than one hour for each counsel engaged, and not more than two counsel in each case will in any case be heard, and in no case will oral argument be heard unless the opposite party shall have reasonable notice thereof, through the mail or otherwise, from the party desiring to be heard orally; or where oral arguments are ordered by the court, the appellant shall give the notice; and whenever the term notice is used, in these rules, reasonable notice is understood.

8.

Oral arguments, without notice, will be heard in all appeals argued before the court in banc, and the justice hearing an appeal may, whenever in his discretion he deems it best for the ends of justice, refer the case to the court in banc for its opinion or decision.

9.

In no case will arguments before the court, or any single justice thereof, be heard, except made by the party in interest in person, a member of the bar of this court, the superior or supreme court of a State, Territory, or district of the United States, or a duly licensed solicitor of patents, in good standing before the Patent Office, and admitted to practice before this court as the appellate tribunal from the decisions of the Commissioner of Patents.

10.

The court, having fully heard the appeal, shall return all the papers to the Commissioner, with a certificate of its proceedings and decisions, which shall be entered of record in the Patent Office, and such decision, so certified, shall govern the further proceedings of the Commissioner in such case.

OF INTERFERENCES

42. When each of two or more persons claims to be the first inventor of the same thing, an "interference" is declared between them, and a trial is had before the Commissioner. Nor does the fact that one of the parties has already

obtained a patent prevent such an interference; for, although the Commissioner has no power to cancel a patent already issued, he may, if he finds that another person was the prior inventor, give him also a patent, and thus place them on an equal footing before the courts and the public.—(Act of 1836, section 8.)

43. When an application is found to conflict with a caveat, the caveator is allowed a period of three months within which to present an application, when an interference may be declared.—(See act of 1836, section 12.)

44. In cases of interference patentees have the same remedies by appeal as applicants in pending applications.

45. In contested cases, whether of interference or of extension, parties may have access to the testimony on file, prior to the hearing, in presence of the officer in charge; or, when practicable, copies may be obtained by them at the usual charges.

46. Upon the declaration of an interference, a day will be fixed for closing the testimony, and a further day fixed for the hearing of the cause. The arguments of counsel must be in the office on the day of hearing.

47. If either party wishes a postponement either of the day for closing the testimony or of the day of hearing, he must, before the day of hearing is past, show by affidavit a sufficient reason for such postponement, and furnish his opponent with a copy of his affidavit, to afford him a fair opportunity to resist the application for postponement.

48. When an interference has been declared, and a new application claiming the invention in controversy comes into the office before the final determination of such interference, the new application will be included in the case, and the proper means will be taken to allow all the parties a fair hearing. The testimony taken by the original parties will be retained in the case, provided that due opportunity can be given the new applicant to cross-examine the witnesses. If, however, on the original interference, an appeal has been taken to the Commissioner, before the new application is filed, such new application will be suspended until the decision in the original case, after which a new interference may be declared with the successful party.

49. After an interference has been declared, neither party will be allowed to withdraw his application for the purpose of filing a new one, unless it is shown to the satisfaction of the office that such party has new testimony which he could not have procured in time for the hearing, and which might change the decision.

50. When an application is adjudged to interfere with a part only of another pending application, the interfering parties will be permitted to see or obtain copies of so much only of the specifications as refers to the interfering claims. And either party may, if he so elect, withdraw from his application the claims adjudged not to interfere, and file a new application therefor. In such case, the new application will be examined without reference to the interference from which it was withdrawn.

OF REISSUES.

51. A reissue is granted to the original patentee, his heirs, or the assignees of the entire interest, when by reason of an insufficient or defective specification the original patent is invalid, provided the error has arisen from inadvertence, accident, or mistake, without any fraudulent or deceptive intention. (Act of 1836, section 13.)

52. An assignee or assignees making application for a reissue must own the entire interest in the patent, and must specify the date of the assignment.

53. The general rule is, that whatever is really embraced in the original invention, and so described or shown that it might have been embraced in the

original patent, may be the subject of a reissue, but an applicant will not be allowed the benefit of proof that there was more in his invention than is shown in his original specification or drawings.

54. Reissued patents expire at the same time that the original patent would have done. For this reason applications for reissue will be acted upon immediately after they are completed.

55. A patentee may, at his option, have in his reissue a separate patent for each distinct part of the invention comprehended in his original application, by paying the required fee in each case, and complying with the other requirements of the law, as in original applications. (Act of 1837, section 5.) Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts.

56. One or more divisions of a reissue may be granted, though other divisions shall have been postponed or rejected.

57. In all cases of applications for reissues the original claim is subject to re-examination, and may be revised and restricted in the same manner as in original applications. (Act of 1837, section 8.)

58. The following are appropriate forms of application for reissue :

Surrender of a patent for reissue.

TO THE COMMISSIONER OF PATENTS :

The petition of Samuel Morey, of Philadelphia, in the county of Philadelphia
and State of Pennsylvania,

RESPECTFULLY REPRESENTS :

That he did obtain letters patent of the United States for an improvement in the boilers of steam-engines, which letters patent are dated on the first day of March, 1850; that he now believes that the same are inoperative and invalid by reason of a defective specification, which defect has arisen from inadvertence and mistake. He therefore prays that he may be allowed to surrender the same, and requests that new letters patent may issue to him, for the same invention, for the residue of the period for which the original patent was granted, under the amended specification herewith presented, he having paid thirty dollars into the treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

SAMUEL MOREY.

Form of oath to be appended to applications for reissue.

CITY AND COUNTY OF PHILADELPHIA, }
State of Pennsylvania, } ss.

On this — day of —, 186—, before the subscriber, a —, personally appeared the above-named Samuel Morey, and made solemn oath (or affirmation) that he verily believes that, by reason of an insufficient or defective specification, his aforesaid patent is not fully valid and available to him, and that the said error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, to the best of his knowledge or belief.

(Signed)

_____.

ADDITIONAL IMPROVEMENTS.

59. So much of the 13th section of the act of July 4, 1836, as relates to the grant of letters patent for an additional improvement has been repealed; and for the future, and in all cases where additional improvements would have been allowed by that act, independent patents must be applied for.

OF DISCLAIMERS.

60. Where, by inadvertence, accident, or mistake, the original patent is too broad, a disclaimer may be filed either by the original patentee or by any of his assignees.—(Act of 1837, section 7.)

61. The following is a sufficient form for a disclaimer :

TO THE COMMISSIONER OF PATENTS :

The petition of Sebastian Cabot, of Cabotsville, in the county of Hampden and State of Massachusetts,

RESPECTFULLY REPRESENTS :

That he has, by grant, duly recorded in the Patent Office, become the owner of a right for the several States of Massachusetts, Connecticut and Rhode Island, to certain improvements in the steam-engine, for which letters patent of the United States were granted to John Doe, of Boston, in the State of Massachusetts, dated on the first day of March, 1850 ; that he has reason to believe that, through inadvertence and mistake, the claim made in the specification of said letters patent is too broad, including that of which the said patentee was not the first inventor. Your petitioner, therefore, hereby enters his disclaimer to that part of the claim in the aforementioned specification which is in the following words, to wit : “ I also claim the particular manner in which the piston of the above described engine is constructed so as to insure the close fitting of the packing thereof to the cylinder, as set forth ; ” which disclaimer is to operate to the extent of the interest in said letters patent vested in your petitioner, who has paid ten dollars into the treasury of the United States, agreeably to the requirements of the act of Congress in that case made and provided.

SEBASTIAN CABOT.

When the disclaimer is made by the original patentee, it must, of course, be so worded as to express that fact.

OF EXTENSIONS.

62. No patent granted since the 2d of March, 1861, except for a design, can be extended.

63. The power of extending a patent for seven years from the day on which it would expire is now vested in the Commissioner of Patents.—(Act of 1836, section 18, and act of 1848, section 1.)

64. The applicant for an extension must file his petition and pay in the requisite fee at least ninety days prior to the expiration of his patent. There is no power in the Patent Office to renew a patent after it has once expired.—(Act of 1836, section 18 ; 1848, section 1.)

65. The questions which arise on each application for an extension are :

1. Is the invention *novel*?
2. Is it *useful*?
3. Is it *valuable* and *important* to the public?

4. Has the inventor been *adequately remunerated* for his time and expense in originating and perfecting it?

5. Has he used due diligence in introducing his invention into general use?

The first two questions will be determined upon the result of an examination in the Patent Office; as will also the third, to some extent.

To enable the Commissioner to come to a correct conclusion in regard to the third point of inquiry, the applicant should, if possible, procure the testimony of persons disinterested in the invention, which testimony should be taken under oath.

In regard to the fourth and fifth points of inquiry, in addition to his own oath showing his receipts and expenditures on account of the invention by which its value is to be ascertained, the applicant should show, by the testimony of witnesses on oath, that he has taken all reasonable measures to introduce his invention into general use; and that, without default or neglect on his part, he has failed to obtain from the use and sale of the invention a reasonable remuneration for the time, ingenuity, and expense bestowed on the same, and the introduction thereof into use.

66. In case of opposition by any person to the extension of a patent, both parties may take testimony, each giving reasonable notice to the other of the time and place of taking said testimony, which shall be taken according to the rules prescribed by the Commissioner of Patents in cases of interference.

67. All arguments submitted must be in writing.

68. A monopoly of his invention is secured by law to the inventor for the term of fourteen years, with a view to compensate him for his time and expense in originating and perfecting it. At the end of the time for which his patent runs his monopoly should cease, and the invention become public property, unless he can show good reason for the contrary. The presumption is always against his application; and if he cannot show that his invention is novel, useful, and valuable, and important to the public, and that, having made all reasonable effort to introduce it into general use, he has not been adequately remunerated for his time and expense in discovering and perfecting it, the Commissioner cannot grant an extension.

69. The applicant for an extension must furnish to the office a statement in writing, under oath, of the ascertained value of the invention, and of his receipts and expenditures. This statement should be made particular and in detail, unless sufficient reason is set forth why such a statement cannot be furnished.—(Act of 1836, section 18; 1848, section 1.) This statement must be filed within thirty days after filing his petition.

70. Any person who intends to oppose an application for extension may, at any time after such application has been made, give notice of such intention to the applicant. After this he will be regarded as a party in the case, and be entitled to notice of the time and place of taking testimony, as well as to a list of the names and residences of witnesses whose testimony may have been previously taken; but he must file his reasons in the Patent Office at least twenty days before the day of hearing.

71. The person opposing the extension will be entitled to a copy of the application, and of any other papers on file, upon paying the costs of copying.

72. In contested cases no testimony will be received, unless by consent, which has been taken within thirty days next after the filing of the petition or the extension.

73. In the notice of the application for an extension a day will be fixed for the reception of testimony; a day ten days later for the reception of arguments; and a day ten days after this for the hearing.

74. Applications for a postponement of the hearing must be made and supported according to the same rules as are to be observed in the case of interferences. But they will not be granted in such a manner as to cause a risk of preventing a decision in season.

OF DESIGNS.

75. Any citizen or citizens, or alien or aliens, having resided one year in the United States and taken oath of his or their intention to become a citizen or citizens, who, by his, her, or their own industry, genius, efforts, and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, an original design for a bust, statue, or bas-relief, or composition in alto or basso-relievo, or any new and original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed on any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her, or their invention or production thereof, and prior to the time of his, her, or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein to make, use, and sell, and vend the same or copies of the same to others, by them to be made, used and sold, may make application in writing to the Commissioner of Patents, expressing such desire; and the Commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent, for the term of three and one-half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application: *Provided*, That the fee to be paid in such application shall be for the term of three years and six months, ten dollars; for seven years, fifteen dollars; and for fourteen years, thirty dollars: *And provided*, That the patentees of designs under this act shall be entitled to the extension of their respective patents for the term of seven years from the day on which said patents shall expire, upon the same terms and restrictions as are now provided for the extension of letters patent.—(Act of March 2, 1861, section 11.)

76. Names, titles, bill-heads, and other matters intended for use as circulars or trade marks, if printed in the ordinary movable type, are not held to be patentable as designs.

77. When any such matter is the special work of an artist for a specified purpose, as when engraved, it may be patented as a design. Hence when a patent is desired for a design to be used as a trade-mark, it is recommended that the same be engraved.

78. The following or other equivalent forms are proper to be observed in the applications of this nature:

Form of application for patents for designs.

TO THE COMMISSIONER OF PATENTS:

The petition of Benjamin West, of the city and county of Philadelphia and State of Pennsylvania,

RESPECTFULLY REPRESENTS:

That your petitioner has invented or produced a new and original design for ———, which he verily believes has not been known prior to the production thereof by your petitioner. He therefore prays that letters patent of the United States may be granted to him therefor, for the term of ——— years, vesting in him and his legal representatives the exclusive right to the same, upon the terms and conditions expressed in the act of Congress in that case made and provided, he having paid ——— dollars into the treasury, and complied with the other provisions of the said act.

BENJAMIN WEST.

Form of specification.

TO ALL WHOM IT MAY CONCERN:

Be it known that I, Benjamin West, of the city of Philadelphia, in the county of Philadelphia, and State of Pennsylvania, have originated and designed a new pattern for carpets or other fabrics, (or design for a trade-mark,) of which the following is a full, clear, and exact description, reference being had to the accompanying specimens or drawings, making part of this specification.

[Here follows a description of the design, with reference to the specimen or drawing, the specification to conclude as follows:]

Claim.

What I claim as my invention and desire to secure by letters patent is the design or pattern for carpets or other fabrics (or design for a trade-mark) herein set forth.

BENJAMIN WEST.

Witnesses:

NOAH WEBSTER,
NATHANIEL BOWDITCH.

Form of oath

CITY AND COUNTY OF PHILADELPHIA, }
State of Pennsylvania. } ss:

On this ——— day of ———, 186—, before the subscriber, a ———, personally appeared the within named Benjamin West, and made solemn oath (or affirmation, as the case may be) that he verily believes himself to be the original and first inventor, or producer, of the design for a composition in alto-relievo, and that he does not know or believe that the same was ever before known or used, and that he is a citizen of the United States.

Models for designs may be disposed of by the Commissioner at his discretion.

OF FOREIGN PATENTS.

79. The taking out of a patent in a foreign country does not prejudice a patent previously obtained here; nor does it prevent obtaining a patent here subsequently.

80. When application is made for a patent for an invention which has been already patented abroad, the inventor will be required to make oath that, according to the best of his knowledge and belief, the same has not been introduced into public and common use in the United States.

81. An applicant who has obtained a foreign patent should (temporarily) file in the office the patent so obtained, with the specifications (provisional or complete) attached, or a sworn copy of them. But where such papers or copies cannot be conveniently furnished, it will be sufficient if the reasons of such inability be set forth by affidavit; and the applicant shall also state the fact that a foreign patent has actually been obtained, giving its date, and showing clearly that the invention so patented covers the whole ground of his present application.

OF CAVEATS.

82. Any citizen of the United States, or alien who has resided for one year last past in the United States, and has made oath of his intention to become a citizen thereof, can file a caveat in the secret archives of the Patent Office on

the payment of a fee of ten dollars therefor. And if, at any time within one year thereafter, another person applies for a patent for the same invention, the caveator will be entitled to notice to file his application, and to go into interference with the applicant for the purpose of proving priority of invention, and obtaining the patent if that fact be proved.—(Act of 1836, section 12.)

83. The caveator will not be entitled to notice of any application pending at the time of filing his caveat, nor of any application filed after the expiration of one year from the date of filing the caveat; but he may renew his caveat at the end of one year by paying a second caveat fee of ten dollars, which will continue it in full force for one year longer, and so on from year to year as long as the caveator may desire.

84. No caveat can be filed in the secret archives of the office unless accompanied by an oath of the caveator that he is a citizen of the United States, or that he is an alien and has resided for one year last past within the United States, and has made oath of his intention to become a citizen thereof; nor unless the applicant also states, under oath, that he believes himself the original inventor of the art, machine, or improvement set forth in his caveat.

85. A caveat need not contain as particular a description of the invention as is requisite in a specification; but still the description should be sufficiently precise to enable the office to judge whether there is a probable interference when a subsequent application is filed.

86. Caveat papers cannot be withdrawn from the office nor undergo alteration after they have once been filed; but additional papers relative to the invention may be appended to the caveat, (their date being noted,) provided they are merely amendatory of the original caveat.

87. In the case of filing papers supplementary to an original caveat, the right to notice in regard to the subject of those papers expires with the caveat; and any additional papers not relating to the invention first caveated will receive no notice.

88. The caveator, or any person properly authorized by him, can at any time obtain copies of the caveat papers at the usual rates.

89. It is desirable that the caveat should be accompanied by drawings or sketches.

90. The following will give a general idea of the proper form of a caveat:

TO THE COMMISSIONER OF PATENTS:

The petition of Sebastian Cabot, of Cabotsville, in the county of Hampden,
and State of Massachusetts,

RESPECTFULLY REPRESENTS:

That he has made certain improvements in the mode of constructing the boilers for steam-engines; and that he is now engaged in making experiments for the purpose of perfecting the same, preparatory to his applying for letters patent therefor. He therefore prays that the subjoined description of his invention may be filed as a caveat in the confidential archives of the Patent Office, agreeably to the provisions of the act of Congress in that case made and provided; he having paid ten dollars into the treasury of the United States, and otherwise complied with the requirements of the said act.

SEBASTIAN CABOT.

CABOTSVILLE, *March 1, 1856.*

[Here should follow a description of the general principles of the invention, so far as it has been completed.]

The caveator must make oath or affirmation substantially according to the form hereinbefore prescribed for applications. (Section 16.)

OF THE REPAYMENT OF MONEY.

91. Money paid by actual mistake will be refunded, (act of 1842, section 1;) but a mere change of purpose after the payment of money will not entitle a party to demand such return.

OF ASSIGNMENTS AND GRANTS.

92. The assignee of any invention may have the patent issue to him directly, (act of 1837, section 6;) but this is held to apply only to assignees of entire interests.

93. Although when the inventor assigns his *entire* interest to two or more, a patent will issue to them jointly, still, if he yet retain a portion in himself, a joint patent will not be issued to him and them; the inventor, however, may make himself an assignee of a part interest in his invention.

94. An inventor can assign his entire right before a patent is obtained, so as to enable the assignee to take out a patent in his own name, but the assignment must first be recorded and the specification sworn to by the inventor. (Act of 1837, section 6.)

95. After a patent is obtained the patentee may grant the right to make or use the thing patented in any specified portion of the United States. (Act of 1836, section 11.)

96. Every assignment or grant should be recorded within three months from its date; but if recorded after that time it will protect the assignee or grantee against any one purchasing after the assignment or grant is placed on record.

97. When the patent is to issue in the name of the assignee, the entire correspondence should be in his name.

98. The receipt of assignments is not generally acknowledged by the office. They will be recorded in their turn within a few days after their reception, and then transmitted to persons entitled to them. A five-cent stamp is required for each sheet or piece of paper on which an assignment may be written.

99 *Form of assignment of the entire interest in letters patent before obtaining the same, and to be recorded preparatory thereto.*

Whereas I, Jethro Wood, of Scipio, in the county of Cayuga and State of New York, have invented certain new and useful improvements in ploughs, for which I am about to make application for letters patent of the United States; and whereas David Peacock, of Burlington, New Jersey, has agreed to purchase from me all the right, title, and interest which I have, or may have, in and to the said invention, in consequence of the grant of letters patent therefor, and has paid to me, the said Wood, the sum of five thousand dollars, the receipt of which is hereby acknowledged: Now this indenture witnesseth, that, for and in consideration of the said sum to me paid, I have assigned and transferred, and do hereby assign and transfer, to the said David Peacock, the full and exclusive right to all the improvements made by me, as fully set forth and described in the specification which I have prepared and executed preparatory to the obtaining of letters patent therefor. And I do hereby authorize and request the Commissioner of Patents to issue the said letters patent to the said David Peacock, as the assignee of my whole right and title thereto, for the sole use and behoof of the said David Peacock and his legal representatives.

In testimony whereof, I have hereunto set my hand and affixed my seal this 16th day of February, 1856.

JETHRO WOOD. [SEAL.]

Scaled and delivered in presence of—

GEORGE CLYMER,

DAVID RITTENHOUSE,

Form of a grant of a partial right in a patent.

Whereas I, Jethro Wood, of Scipio, in the county of Cayuga, and State of New York, did obtain letters patent of the United States for certain improvements in ploughs, which letters patent bear date the 1st day of March, 1855; and whereas David Peacock, of Burlington, New Jersey, is desirous of acquiring an interest therein: Now this indenture witnesseth, that, for and in consideration of the sum of two thousand dollars, to me in hand paid, the receipt of which is hereby acknowledged, I have granted, sold, and set over, and do hereby grant, sell, and set over, unto the said David Peacock, all the right, title, and interest which I have in the said invention, as secured to me by said letters patent, for, to, and in the several States of New York, New Jersey, and Pennsylvania, and in no other place or places; the same to be held and enjoyed by the said David Peacock, for his own use and behoof, and for the use and behoof of his legal representatives, to the full end of the term for which said letters patent are granted, (if it is intended to grant for any extended term, then add—and for the term of any extension thereof,) as fully and entirely as the same would have been held and enjoyed by me had this grant and sale not been made.

In testimony whereof, I hereunto set my hand and affix my seal this 16th day of February, 1856.

JETHRO WOOD. [SEAL]

Sealed and delivered in presence of—

JACOB PERKINS,
BENJAMIN FRANKLIN.

OF THE OFFICE FEES, AND HOW PAYABLE.

100. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner; that is to say, before the labor is performed for which they are to be received in payment.

101. The following is the tariff of fees established by law :

On every application for a design, for three years and six months	\$10 00
On every application for a design, for seven years	15 00
On every application for a design, for fourteen years	30 00
On every caveat	10 00
On every application for a patent	15 00
On issuing each original patent	20 00
On filing a disclaimer	10 00
On every application for a reissue	30 00
On every additional patent granted on a reissue	30 00
On every application for an extension	50 00
On the grant of every extension	50 00
On appeal from a primary examiner to examiners-in-chief	10 00
On appeal to the Commissioner from examiners-in-chief	20 00
On every appeal to the judges of circuit court, D. C.	25 00
On every copy of a patent or other instrument, for every 100 words . .	0 10
On every copy of drawing, the cost of having it made	
For recording every assignment of 300 words or under	1 00
For recording every assignment, if over 300 and not over 1,000 words .	2 00
For recording every assignment, if over 1,000 words	3 00

102. By the act of March 3, 1863, the final fee on issuing a patent must be paid within six months after the time at which the patent was allowed, and notice thereof sent to the applicant or his agent. And if the final fee for such

patent be not paid within that time the patent will be withheld, and the invention therein described become public property as against the applicant therefor, unless he shall make a new application therefor within two years from the date of the allowance of the original application. (Act of March 3, 1865.)

103. It is recommended that the money for the payment of fees should be deposited with an assistant treasurer, or other officer authorized to receive the same, taking his certificate and remitting the same to this office. When this cannot be done without much inconvenience, the money may be remitted by mail, and in every case the letter should state the exact amount enclosed. Letters containing money should be registered.

104. The following officers are authorized to receive patent fees on account of the Treasurer of the United States, and to give receipts and certificates of deposit therefor, to wit:

Assistant Treasurer of the United States, Boston, Massachusetts

Assistant Treasurer of the United States, New York, New York.

Treasurer of the Mint, Philadelphia, Pennsylvania.

Surveyor and Inspector, Pittsburg, Pennsylvania.

Collector of Customs, Baltimore, Maryland.

Collector of Customs, Buffalo Creek, New York.

Assistant Treasurer of the United States, St. Louis, Missouri.

Surveyor of the Customs, Cincinnati, Ohio.

Receiver of Public Moneys, Jeffersonville, Indiana.

Receiver of Public Moneys, Chicago, Illinois.

Receiver of Public Moneys, Detroit, Michigan.

Assistant Treasurer of the United States, San Francisco, California.

And any National Bank which has been designated a depository of the public moneys.

105. All money sent by mail, either to or from the Patent Office, will be at the risk of the owner. In no case should money be sent enclosed with models. All payments to or by the office must be made in specie or treasury notes.

STAMPS.

106. Revenue stamps must be attached as follows:

1. A stamp of the value of fifty cents is required upon each power of attorney authorizing an attorney or agent to transact business with this office relative to an application for a patent.

2. No assignment directing a patent to issue to an assignee will be recognized by this office, nor will any assignment be recorded, unless stamps shall be affixed of the value of five cents for every sheet or piece of paper upon which the same shall be written.

3. A stamp of the value of five cents is required upon each certificate of a magistrate.

4. The person using or affixing the stamp must cancel the same by writing thereupon the initials of his name and the date.

TAKING AND TRANSMITTING TESTIMONY.

107. Section 1, act March 2, 1861, gives the right to the clerks of the circuit courts of the United States to issue subpoenas to compel the attendance of witnesses when depositions are to be read in evidence in any contested cases in the Patent Office.

In interference and other contested cases the following rules have been established for taking and transmitting evidence:

1. That before the deposition of a witness or witnesses be taken by either party, reasonable notice shall be given to the opposite party of the time and

place when and where such deposition or depositions will be taken, so that the opposite party, either in person or by attorney, shall have full opportunity to cross-examine the witness or witnesses. And such notice shall, *with proof of service of the same*, be attached to the deposition or depositions, whether the party cross-examine or not; and such notice shall be given in sufficient time for the appearance of the opposite party, and for the transmission of the evidence to the Patent Office before the day of hearing.

2. That, whenever a party relies upon a caveat to establish the date of his invention, a certified copy thereof must be filed in evidence, with due notice to the opposite party, as no notice can be taken by the office of a caveat filed in its secret archives.

3. That all evidence, &c., shall be sealed and addressed to the Commissioner of Patents by the person before whom it shall be taken, and so certified thereon.

4. That the certificate of the magistrate taking the evidence shall be substantially in the following form, and written upon the envelope, viz:

"I hereby certify that the depositions of A B, C D, &c., relating to the matter of interference between E F and G H, were taken, sealed up, and addressed to the Commissioner of Patents by me.

"A B,
"Justice of the Peace."

5. In cases of extension where no opposition is made, *ex parte* testimony will be received from the applicant; and such testimony as may have been taken by the applicant prior to notice of opposition shall be received, unless taken within thirty days after filing the petition for the extension: *Provided*, The applicant shall give prompt notice to the opposing party or parties of the names and residences of the witnesses whose testimony has been thus taken.

6. That no evidence touching the matter at issue will be *considered* upon the day of hearing which shall not have been taken and filed in compliance with these rules: *Provided*, That if either party shall be unable, for good and sufficient reasons, to procure the testimony of a witness or witnesses within the stipulated time, then it shall be the duty of said party to give notice of the same to the Commissioner of Patents, accompanied by statements, *under oath*, of the cause of such inability, and of the names of such witnesses, and of the facts expected to be proved by them, and of the *steps* which have been taken to procure said testimony, and of *the time or times* when efforts have been made to procure it; which last-mentioned notice to the Commissioner shall be received by him previous to the day of hearing aforesaid.

108. The notice for taking testimony must be served by delivering to the adverse party a copy. If he is not found, such service may be made upon his agent or attorney of record, or by leaving a copy at the party's usual place of residence, with some member of the family who has arrived at the years of discretion.

109. It must be annexed to the deposition, with a certificate duly sworn to, stating the manner and time in which the service was made.

110. The testimony must (if either party desires it) be taken in answer to interrogatories—having the questions and answers committed to writing in their regular order by the magistrate, or, under his direction, by some person not interested in the issue nor the agent or attorney of one who is. The deposition, when complete, must be signed by the witness.

111. The magistrate must append to the deposition his certificate, stating the time and place at which it was taken, the names of the witnesses, the administration of the oath, at whose request the testimony was taken, the occasion upon which it is intended to be used, the names of the adverse party, (if any,) and whether they were present.

112. No notice will be taken, at the hearing, of any merely formal or technical objection, unless it may reasonably be presumed to have wrought a substantial injury to the party raising the objection; nor even then, unless, as soon as that party became aware of the objection, he immediately gave notice thereof to this office, and also to the opposite party, informing him at the same time that, unless corrected, he should urge his objection at the hearing.

113. The following forms are recommended for observance in the taking of depositions:

A B, being duly sworn, doth depose and say, in answer to interrogatories proposed to him by C D, counsel for E F, as follows, viz:

1. *Interrogatory.* What is your name, your residence, and occupation?

1. *Answer.* My name is A B; I am a carpenter, and reside in Boston, Massachusetts.

And in answer to cross-interrogatories proposed to him by G H, counsel for I K, as follows:

1. *Cross-interrogatory, &c.*

(Signed)

A B.

STATE OF NEW YORK, *Rensselaer County*, ss:

At Troy, in said county, on the _____ day of _____, A. D. 1862, before me personally appeared the above-named A B, and made oath that the foregoing deposition, by him subscribed, contains the whole truth, and nothing but the truth.

The said deposition is taken at the request of E F, to be used upon the hearing of an interference between the claims of the said E F and those of I K, before the Commissioner of Patents of the United States, at his office, on the _____ day of _____ next. The said I K was duly notified, as appears by the original notice hereto annexed, and attended by G H, his counsel.

Certified by me.

L M,

Justice of the Peace.

The magistrate must then seal up the deposition when completed, and indorse upon the envelope a certificate, according to the form prescribed in section 107, and sign it.

RULES OF CORRESPONDENCE.

114. All correspondence must be in the name of the Commissioner of Patents, and all letters and other communications intended for the office must be addressed to him. If addressed to any of the other officers they will not be noticed, unless it should be seen that the mistake was owing to inadvertence. A separate letter should in every case be written in relation to each distinct subject of inquiry or application, the subject of the invention and the date of filing being always carefully noted.

115. When an agent has filed his power of attorney, duly executed, the correspondence will, in ordinary cases, be held with him only. A double correspondence with him and his principal, if generally allowed, would largely enhance the labor of the office. For the same reason, the assignee of the entire interest in an invention is alone entitled to hold correspondence with the office, to the exclusion of the inventor. If the principal becomes dissatisfied, he must revoke his power of attorney, and notify the office, which will then communicate with him.

116. All communications to and from the Commissioner upon official business are carried in the mail free of postage.

117. After a second rejection none of the papers can be inspected, save in the presence of a sworn officer, nor will any of the papers be returned to the applicant or agent.

118. Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney, the examiner in charge will notify each of said principal parties of this fact.

OF THE FILING AND PRESERVATION OF PAPERS.

119. All claims and specifications filed in this office (including amendments) must be written in a fair, legible hand, without interlineations or erasures, except such as are clearly stated in a marginal or foot note written on the same sheet of paper; or, failing in which, the office may require them to be printed.

120. All papers filed in the office will be regarded as permanent records of the office, and must never, on any account, be changed, further than to correct mere clerical mistakes.

OF AMENDMENTS.

121. The applicant has a right to amend, of course, after the first rejection; and he may amend after the second, if the examiner therein present any new references; and after a second rejection, and before appeal to the examiner-in-chief, the applicant may draw up special amendments, and present the same to the Commissioner, together with an affidavit showing good cause why the amendments were not sooner offered, whereupon the Commissioner may, in his discretion, grant leave to make such special amendments, and allow a reconsideration; but on an appeal to the examiners-in-chief, no amendment or alteration will be allowed, nor will amendments be allowed after a patent shall have been ordered to issue.

122. All amendments of the model, drawings, or specification, must conform to at least one of them as they were at the time of the filing of the application; and all amendments of specifications or claims must be made on separate sheets of paper from the original, and must be filed in the manner above directed.

When amendments are required, the papers themselves are generally returned to the applicant; but it is only to enable him to make those amendments, so as to be in harmony with the context. Even when the amendment consists in striking out a portion of the specification, or other paper, the same course should be observed. No erasure must be made. The papers must remain forever just as they were when filed, so that a true history of all that has been done in the case may be gathered from them.

123. The following are given as specimens of the forms proper to be observed in such cases:

"I hereby amend my specification by inserting the following words after the word —, in the — line of the — page thereof;" (here should follow the words that are to be inserted;) or, "I hereby amend my specification by striking out the — line of the — page thereof;" or, "by striking out the first and fourth clauses of the claim appended thereto;" or whatever may be the amendment desired by the applicant.

124. The forms of other amendments will readily suggest themselves. In each case the exact words to be stricken out or inserted should be clearly described, and the precise point indicated where any insertion is to be made.

125. Where papers are sent to the applicant for amendment, the original papers must in all cases be returned to the office for preservation, together with the amendments. In some cases amendments will be permitted to be made by

writing out the entire paper anew; but even when this is done, the original paper must be returned and preserved.

126. No application will be rejected merely because the applicant may refuse to amend as requested or advised by an examiner in charge; but in such case the application, as presented, will be examined on its merits, so that the inventor may take an appeal if the decision should be adverse.

127. No paper will be allowed to be taken from this office, unless receipted for, or unless a written request be filed by the party entitled to control the case, nor until all interlineations and erasures are clearly noted on the paper in such a manner as to prevent the possibility of any change being made without the certainty of immediate detection.

128. Placing the affidavit of the applicant on one piece of paper, and the signature to the specification on another, so that both may be detached and applied to other papers, will be looked upon with suspicion, and any such substitution will be carefully guarded against.

129. No specification will be received, unless the sheets are attached together, or unless the officer who administers the oath has subscribed his name upon each separate sheet of paper, so as to show that the specification presented is the same that was subscribed and sworn to.

LIBRARY.

130. The library is for the use of the office solely.

1. No persons are allowed to take books from the library, except those employed in the office.

2. All books taken from the library must be entered in a register kept for the especial purpose, and returned on the call of the librarian.

3. Any book lost or defaced must be replaced by another.

4. Patentees and others doing business with the office can examine the books in the library hall, and there only.

5. All translations will be made at the usual rates by the office.

REFERENCES.

131. Upon the rejection of an application for a patent for the want of novelty, the applicant will be furnished with a specific reference to the article or articles by which it is anticipated, so that he may be enabled to judge of the propriety of renewing his application, or of amending his specification to embrace only that part of the invention which is new. If he desires a copy of the cases so referred to, or of the plates or drawings connected with them, they will be forwarded to him, if in possession of the office, on payment of the cost of making such copies.

132. The examiners in charge will designate the class to which the references made by them belong, (as C. W. Cahoon's patent for a *lamp*;) and, in asking for a copy of the patent referred to, the applicant must indicate the class, so as to facilitate the search.

OF GIVING OR WITHHOLDING INFORMATION.

133. Aside from the caveats, which are required by law to be kept secret, all pending applications are, as far as practicable, preserved in like secrecy. No information will therefore be given those inquiring whether any particular case is before the office, or whether any particular person has applied for a patent.

134. But information is given in relation to any case after a patent has issued, or after a patent has been refused, and the further prosecution of the application is abandoned.

135. The models, in such cases, are so placed as to be subject to general inspection. The specifications and drawings in any particular case can be seen

by any one having particular occasion to examine them, and copies thereof, as well as of patents granted, will be furnished to any one willing to pay the bare expense of making them. Copies will be made on parchment, at the request of the applicant, on his paying the additional cost.

136. Even after a case is rejected, the application is regarded as pending until after the decision of an appeal thereon, or until after the party has withdrawn the case from the further consideration of the office; but if a party, whose application has been rejected, allows the matter to rest for two years without taking any further steps therein, he will be regarded as having abandoned his application, so far at least that it will no longer be protected by any rule of secrecy. The specification, drawings, and model will then be subject to inspection in the same manner as those of patented or withdrawn applications.

137. Information in relation to pending cases is given so far as it becomes necessary in conducting the business of the office, but no further. Thus, when an interference is declared between two pending applications, each of the contestants is entitled to a knowledge of so much of his antagonist's case as to enable him to conduct his own understandingly.

138. An application will not be rejected upon a previously rejected one not withdrawn or abandoned, but the original references will be given. Should either applicant, in such case, take an appeal, and the decision be reversed, the other will be notified, so that an interference may be declared, if desired.

139. When an applicant claims a certain device, and the same device is found *described* but not *claimed* in another pending application which was previously filed, information of the filing of such second application is always given to the prior applicant, with a suggestion that if he desires to claim a patent for that device he should forthwith modify his specification accordingly.

140. But where the application, which thus describes a device without claiming it, is subsequent in date to that wherein such device is claimed, the general rule is that no notice of the claim in the previous application is given to the subsequent applicant. But where there are any special reasons to doubt whether the prior applicant is really the inventor of the device claimed, or where there are any other peculiar and sufficient reasons for departing from the rule above stated, the office reserves to itself the right of so doing without its being regarded as a departure from the established rule.

141. The office cannot respond to inquiries as to the novelty of an alleged invention, in advance of an application for a patent, nor to inquiries founded upon brief and imperfect descriptions propounded with a view of ascertaining whether such alleged improvements have been patented, and if so, to whom; nor can it act as an expounder of the patent law, nor as counsellor for individuals, except as to questions arising within the office. A copy of the rules with this section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the office.

142. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be predicated exclusively on the written record. No attention will be paid to any alleged verbal promise or understanding, in relation to which there is any disagreement or doubt.

T. C. THEAKER,
Commissioner.

U. S. PATENT OFFICE, *March 1, 1866.*

